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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by International Council Supporting Fair Trial and Human Rights, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 August 2021]

* Issued as received, in the language(s) of submission only.



Kuwait: Right to expression Restricted by Strict Laws

Freedom of opinion and expression in all its forms is being significantly reduced in Kuwait by numerous hard-line laws. These laws include Act No. 3 of 2006 regarding publications and publishing, Act No. 61 of 2007 regarding audio-visual media, Act No. 8 of 2016 regulating electronic media, and Act No. 63 of 2015 regarding combating information technology crimes. These laws constitute restrictions on the right to expression that go far beyond those permitted under the International Covenant on Civil and Political Rights, which the State of Kuwait has ratified.

The penalties for the exercise of freedom of opinion and expression are not limited to imprisonment and restrictions. The Kuwaiti authorities have revoked the citizenship of dozens of human rights activists and political opponents. The Kuwaiti authorities justified this because of human rights and political reform activities. However, the process of revoking citizenship does not allow for any possibility of appeal or judicial review. In addition, the Nationality Act of 15/1959 also allows the authorities to revoke the nationality of any Kuwaiti and his family and to deport them in certain circumstances.¹ For example, authorities may revoke a person's nationality if they consider it "in the interest of the State" or protect its security.

Moreover, an individual's nationality can be revoked if the government has proof that he or she has contributed to the promotion of principles that undermine the viability of the country according to the understanding and legal adaptation of the authorities. However, all of these interpretations and justification are contrary to international and legal standards.

Furthermore, although the State of Kuwait has received many recommendations in this regard, unfortunately, it has rejected many of them and ignored what has been accepted so far. Additionally, the "Tweeting is not a crime" campaign on 25 October 2020 sent a letter to the head of the Human Rights Office to inquire about who is responsible for the implementation of the recommendations of the Human Rights Council. The campaign also sent a corresponding letter to the head of the National Human Rights Office, which also had been ignored. All of these actions confirm the State of Kuwait's rejection of attempts to lift the restrictions on freedom of expression.

However, through our follow-up and monitoring of the human rights situation in Kuwait, we have seen little effort by the Kuwaiti authorities to improve the legal reality in this State.

As a consequence, the Kuwaiti people took a platform to express their claims in solidarity every Saturday.

The Kuwaiti people have taken the "Irada Square" as a platform to express their demands for solidarity vigils every Saturday. It is worth mentioning that these vigils are a legitimate right under articles 36 and 44 of the Kuwaiti Constitution and according to the International Covenant on Civil and Political Rights "ICCPR".

Nevertheless, through our representative in Kuwait, we have monitored numerous violations, harassment, and some temporary arrests; taking into consideration that the arrests and abuses of citizens participating during the solidarity vigils are beyond the scope of the law and the democratic approach.

The International Council Supporting Fair Trial & Human Rights has been submitting its reports on solidarity vigils in Kuwait to the relevant United Nations bodies and member states in the Human Rights Council on a weekly basis to inform you of the extent to which the State of Kuwait has implemented its international obligations.

¹ <https://www.hrw.org/ar/news/2014/08/10/254825>.

Recommendations:

- Follow up through the United Nations mechanisms and bodies responsible for the human rights situation of the State of Kuwait in order to investigate the violations that were concealed and falsified during the Universal Periodic Review.
 - The legislative authorities in Kuwait must amend all laws and legislation that restrict freedom of opinion and expression in all its forms and stop criminalizing those who exercise this right with harsh penalties.
 - The Kuwaiti authorities respect their international and national obligations to protect human rights and put an end to the restrictions on demonstrators in Al-Irada Square.
 - Immediately release all prisoners of conscience and issue a general amnesty for all charges related to freedom of opinion and expression during the period from 2010 to now, and compensating those affected.
 - The concerned authorities in Kuwait and the Human Rights Bureau should start implementing the recommendations addressed to them within the Universal Periodic Review, to take the necessary measures and make arrangements for that as soon as possible, and not to ignore the requests of NGOs that seek to guarantee human rights.
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